

RAYMOND C. CABALLERO  
MAYOR



## CITY COUNCIL

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 14, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Ms. Carole Hunter, City Clerk, followed by the Pledge of Allegiance to the Flag of the United States of America.

- Mayor's Presentations
1. Stroke Awareness Month - May
  2. Share the Vision for World Peace Day - May 14
  3. Gold Pages Day - May 14
  4. City Clerk's Week, May 6 - 12, 2002
  5. Southwestern Pride Parade Day, June 1, 2002

\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign the Airport Display Agreement with the Government of the State of Chihuahua-Secretaryship of Commercial and Tourism Development, providing for the display of a large back lit map of the State of Chihuahua featuring points of interest and tourism attractions within the area at the El Paso International Airport.

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Donation Agreement accepting the following gift from the artist, Vladimir Alvarado: a bronze sculpture entitled "El Nido," measuring approximately eighteen inches (18") in height X fourteen inches (14") in length X eleven inches (11") in width, valued at approximately \$1,100.00, and depicting a mother and child.

Ms. Alejandrina Drew, Director of Arts Resources, introduced Mr. Vladimir Alvarado, a great artist from Ciudad Juarez, and thanked him for his contribution to the City of El Paso. She stated the sculpture would be displayed in the Arts Resources Department until a permanent location is found.

Mr. Vladimir Alvarado spoke in Spanish, translation by Ms. Drew. Ms. Drew related that Mr. Alvarado was very thankful that the woman, who was born in Ciudad Juarez, was now residing in El Paso.

Mayor Raymond C. Caballero thanked Mr. Alvarado for his generosity, creativity and great craftsmanship.

Representative Sumrall suggested that the sculpture be displayed in City Council Chambers.

Motion made Representative Cook, seconded Representative Escobar and unanimously carried to approve the above Resolution.

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Ms. Alejandrina Drew, Director of Arts Resources, reported to Council on activities being sponsored by and through her department.

Mayor Raymond C. Caballero explained that this was the third of many presentations by the Department Heads. The presentations explain the duties and responsibilities of each department, of which the most liveliest and interesting was the Arts Resources Department.

Ms. Drew introduced her staff, with the exception of Ms. Judy Emmons, Grant Coordinator, and thanked them and the ARD Board for their support. She commented on the many series presented by the department such as the Young at Art, Discovery, World on a String International Guitar Festival, the People's Gallery at City Hall, Arts in Education, the displays located at the Airport and other public art displays located throughout the City, and two upcoming programs - "Alfresco Fridays" to be located in the plaza at the Museum of Art on Friday afternoons from May 17<sup>th</sup> through August 30<sup>th</sup>; and "Music Under the Stars" World Festival.

Mayor Caballero thanked Ms. Drew, her staff and the board for promoting the arts in El Paso. He also thanked the artists, musical groups, etc., as well as, the many City Departments and other organizations who have assisted and would continue to assist the Arts Resources Department.

No action was taken regarding the report from Ms. Drew.

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Motion made by Representative Medina, seconded by Representative Cook, and carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. Dissenting votes will be shown with the vote on the item, which follows the agenda format.

(Items approved under Consent Agenda will be shown with an asterisk {\*}).

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\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 2, 2002.

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\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Understanding between the Commander, U.S. Army White Sands Missile Range and the City of El Paso relating to the provision of assistance to the Missile Range by the Police Department for the recovery of hazardous materials in or near El Paso in the event that any such materials are stolen from the Missile Range.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following Special Events Agreement for space in the El Paso Museum of Art..

Event: Seminar  
Licensee: Socorro Independent School District  
Date: May 23, 2002  
Time: 8:00 a.m. - 3:00 p.m.  
Charge for Space: \$400.00  
Charge for Staff (est): -0-  
Charge for Insurance: \$40.00  
Area(s): Seminar Room

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art.

Event: Reception  
Licensee: United Way of El Paso County  
Date: August 6, 2002  
Time: 5:30 p.m. - 7:30 p.m.  
Charge for Space: \$800.00  
Charge for Staff (est): \$150.00  
Area(s): Arts Festival Plaza

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Amendment to the 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 by and between the City of El Paso, the U.S. Department of Housing and Urban Development and the State of Texas which allocates an additional \$3,000,000 in Empowerment Zone Grant funds for economic development activities consistent with the Strategic Plan for the Empowerment Zone.

Representative Sumrall asked questions of Ms. Debbie Hamlyn who responded she would do a status report in two weeks.

Motion made by Representative Sumrall, seconded by Representative Cobos unanimously carried to approve the above resolution.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the following Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application.

Application No.: H01-08-CD/IO/MP-0311	HOME Loan	\$672,000.00
	HOME Grant	\$ 95,900.00
	Total	\$767,900.00

Address: 1326 Wyoming Avenue  
Interest at zero percent (0%)

AND THAT the Mayor be authorized to sign a HOME Financial Terms Contract between the City and Al Rivera, Martha Rivera, and Gregory D. Rivera, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, JMZ Contractors, Inc., and Al Rivera, Martha Rivera, and Gregory D. Rivera, relating to a Community Development Rehabilitation Loan Application No. H0108-CD/IO/MP-0311.

The Resolution was corrected to read **"Total \$767,900.00"**

Representative Sumrall made comments and Ms. Hamlyn responded. Comments were also made by Representative Cobos and Representative Medina.

Motion made by Representative Cobos, seconded by Representative Sumrall unanimously carried to approve the above resolution, as revised.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Partial Release of Lien whereby the City releases its lien in the amount of NINETEEN THOUSAND NINE HUNDRED TWENTY-FOUR AND NO/100THS DOLLARS (\$ 19,924.00 - \$18,044 loan/\$880 grant) only against that portion of real property described as follows:

*A 0.2126 acre parcel of land more or less containing 9,264 square feet being the North 60 feet of Lot 41, SUNRISE ACRES NO. 2, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds in Exhibit "A" to the Partial Release of Lien*

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City approve of the revision to the grant application and submission to the Office of the Governor, Criminal Justice Division, for grant funding in the revised amount of \$40,000.00 (Violence Against Women Act funds) that will be for the time period of June 1, 2002 through November 30, 2002, for the purpose of obtaining training, equipment and supplies for the Domestic Abuse Response Team of the El

Paso Police Department; matching funds required in the amount of \$26,620.00 and an in-kind match of \$6,384.00; and that the Mayor be authorized to sign and submit any revised grant documents, for this part or the entire amount covering both grant time periods, as may be necessary. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Victim Assistance Discretionary Grant funds, the funds will be returned to the Office of the Attorney General in full.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City approve of the revision to the grant application and submission to the Office of the Governor, Criminal Justice Division, to add an additional amount grant funding in the revised amount of \$53,873.00 (Violence Against Women Act funds) that will be for the time period of December 1, 2002 through August 31, 2003, for the purpose of obtaining training, equipment and supplies for the Domestic Abuse Response Team of the El Paso Police Department; matching funds required in the amount of \$39,930.00 and an in-kind match of \$9,100.00; and that the Mayor be authorized to sign and submit any revised grant documents for this part or the entire amount covering both grant time periods, as may be necessary. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Victim Assistance Discretionary Grant funds, the funds will be returned to the Office of the Attorney General in full.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Memorandum of Understanding between the CITY OF EL PASO and the EL PASO MUNICIPAL POLICE OFFICERS ASSOCIATION to add Section 4 of Article IX to the Articles of Agreement between the City and the Association, because Section 4 was unintentionally omitted from the signed Agreement and to correct to the Table of Contents contained in this Agreement.

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\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Memorandum of Agreement, between the United States of America and the City of El Paso relating to the furnishing of the services of police officers at the passenger security screening locations at the El Paso International Airport through December 1, 2003, whereby the Federal Government will reimburse the City for the personnel costs incurred during the term of the agreement.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a grant application on behalf of the El Paso Museum of History for submission to El Paso Energy Foundation ("EPEF") and to sign the related contract and documents should funds be granted, either in the requested amount or at such lesser amount as may be approved by EPEF. The application is for \$500,000 over eighteen months to cover a portion of the estimated \$400,000 cost of design and the \$2,400,000 total cost of fabrication and installation work for exhibits in the new Museum of History structure. No match of City funds is required for this grant.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Professional Services Agreement between the City of El Paso and NORMAN GORDON to provide professional legal services to assist the City with its analysis of Southern Union Gas Company's Statement of Intent to Change Rates in the El Paso Service Area and provide recommendations to City Council.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Professional Services Agreement with GDS Associates, Inc., to assist the City with its analysis of Southern Union Gas Company's Statement of Intent to Change Rates in the El Paso Service Area and provide recommendations to City Council.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Volunteer Services Contract between the **CITY OF EL PASO** and **STEVEN ORTEGA** to do legal research and assist with drafting contracts and other legal duties as assigned as Legal Intern for the City Attorney's Office effective May 24, 2002 thru August 15, 2002, pending Civil Service Commission approval on May 23, 2002. There is no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement with a transformer site to the El Paso Electric Company on a portion of Block 1, Sun Valley Park, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 83, Block 12, Tierra Del Este Unit 1, El Paso County, Texas.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to an Agreement for Architectural Services between the City of El Paso and Lucero Melendez Architects A.I.A., Inc., for a project known as "Vista del Valle Park and Multi-Purpose Center Rehabilitation" for an amount not to exceed TEN THOUSAND AND 00/100 DOLLARS (\$10,000.00); and that the Mayor be authorized to make the necessary budget adjustments and sign any related documentation to effectuate such budget adjustments.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an agreement between the El Paso Museum of History and the Society for Creative Anachronism to hold a Medieval Scribe's Skills Demonstration on Saturday, May 18, from 1:00 - 4:00 p.m. This demonstration is at no cost to the City and is free to the public.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the El Paso Public Library be authorized to serve wine and beer at the Main Library, 501 North Oregon, at the "Kick Off Reception" for volunteers working on the \$1,000,000 Fundraising Campaign for the El Paso Public Library on May 19, 2002, from 5:30 p.m. to 7:00 p.m.

Mr. Arthur Ward expressed his concern about the library closing on Friday.

Ms. Carol Brey, Library Director, explained that what Mr. Ward was referring to was this coming Friday where all of the library staff will be training; however, this is also the first week that all of the libraries will be opening at 10:00 a.m. instead of noon. She added that, for the first time, two of the libraries would be open on Sunday also.

Motion made by Representative Sumrall, seconded by Representative Escobar and carried to approve the above resolution. Representative Medina was not present for the vote.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Janna Daniels, Sun Country Doll Folks of El Paso, covering an exhibit of dolls at the Westside Branch of the El Paso Public Library System for the period of May 31 through June 21, 2002. This exhibition is at no cost to the City.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Israel Calvo covering an exhibit of "photographs of Pancho Villa," at the Lower Valley Branch of the El Paso Public Library System for the period of June 1 - June 29, 2002. This exhibition is at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Library Director be authorized to sign an Exhibit Contract with Luis Pegut covering exhibits of "photographs" at the Main Library and six Branch Libraries in accordance with the following schedule:

Main Library	June 22 - July 19
Westside	July 24 - August 10
Memorial Park	August 13 only
Armijo	September 10 - September 30
Richard Burges	October 1 - October 31
Clardy Fox	November 1 - November 30
Irving Schwartz	September 7 only

These exhibits are at no cost to the City.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Volunteer Services Contract between the CITY OF EL PASO and LISA BORDEN, for the El Paso Public Library, in conjunction with the Library's Summer Reading Program, to present a program that will provide information on Tortoises on May 18, 2002, from 3:00 p.m. to 4:00 p.m., at the Lower Valley Branch Library, and June 22, 2002, from 11:00 a.m. to 12:00 p.m., at the Main Library.

\*Motion made, seconded and unanimously carried to approve the request of Representative Rodriguez that \$250.00 be allocated from District 2 Discretionary Funds to Wellington Chew Senior Citizen Center to assist with reception for the dedication of the WALL OF HONOR scheduled for May 24, 2002.

\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the term of the agreement for two (2) additional years, from June 6, 2002 to June 5, 2004 pursuant to the provisions of contract 2000-158, Fire Apparatus Specialties, Inc., South Houston, Texas, for Waterous Proprietary Parts for the Fire Department

OPTION NO.: ONE [OF ONE]

Amount Of Award: \$20,000.00 Annual Estimate  
Account Nos.: 22010090-503118  
Funding Source: 01101  
Department: Fire

\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to Sigma Data Systems, Inc., in the amount of \$32,230.00 for the upgrade of Test Management System (TMS 5) from Sigma Data Systems, Inc. Sigma Data Systems, Inc., is the sole provider of the Sigma 5 Test Management System Software. (2002-182)

Additionally, it is requested that Mayor be authorized to sign any additional documents, contract, and/or agreements.



Award amount: \$32,230.00  
Funds available: 04250203-27251-508010 Project PMB0003130  
Certificate of Obligations Equipment FY02  
Department: OMB

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\*Motion made, seconded and unanimously carried to approve the request to install guard posts in front of 6713 Viscount Boulevard. Cost estimate is \$717.78.

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\*Motion made, seconded and unanimously carried to approve the request to install guardrail in front of 6820 Industrial Avenue. Cost estimate is \$847.33.

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\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Police  
Add 1.0 Public Affairs Coordinator PM 77

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\*Motion made, seconded and unanimously carried to re-appoint Cookie Brisbin to the Fair Housing Task Force by Representative Sumrall.

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\*Motion made, seconded and unanimously carried to appoint John D. Cordova to the Building Board of Appeals (alternate member) by Representative Sumrall.

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\*Motion made, seconded and unanimously carried to appoint Yusuf Elias Farran to the Plumbing/HVAC Board of Appeals (Professional Registered Engineer) by Representative Sumrall.

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\*Motion made, seconded and unanimously carried to appoint Edward Moreno to the Bond Overview Advisory Committee (BOAC) by Representative Escobar.

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Motion made, seconded and unanimously carried to appoint Robbie Myrick Villalobos to the El Paso Public Arts Commission by Representative Cobos.

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\*Motion made, seconded and unanimously carried to appoint Carlos Callejo to the El Paso Public Arts Commission requested by Representative Power.

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\*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of a residential street light at the following location:

Between 9004 and 9008 Villa Madero Dr., cost \$899.00.

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\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #C848-999-0020-1600, \$450.90 per month installments on a balance of \$4,509.00 for 2001 taxes; Carlos Villalobos – 5618 Burning Tree.
  - B. PID #C340-999-0670-5100, \$309.73 per month installments on a balance of \$3,716.76 for 2001 taxes; Maria E. Munoz – 6608 Amposta Dr.
  - C. PID #'s V893-999-5270-3500, \$323.40 per month installments on a balance of \$2,587.20 for 2001 taxes – Tomas & Elva M. Sigala – 1401 Adolph Carson.
  - D. PID #H255-999-0010-7350, \$536.75 per month installments on a balance of \$3,220.50 for 1995, 1996, 1997, 1998, 1999 and 2000 taxes; Bingham Investments – No Parcel Address.
- .....

Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Ramiro Hernandez, M.D.P.A., in the amount of \$602.95; overpayment of 2001 taxes.  
(PID #0818-999-1195-0034)
- B. Marcos Calderon, M.D.P.A., in the amount of \$681.90; overpayment of 2001 taxes.  
(PID #1995-999-2071-0014)
- C. Sandra Zaragoza, in the amount of \$3,632.70; overpayment of 2001 taxes.  
(PID #C340-999-1740-0300)
- D. Bill Appleton, in the amount of \$1,036.61; overpayment of 2001 taxes.  
(PID #E940-999-0010-1800)
- E. Maria D. & Gabriel Borunda, in the amount of \$1,062.48; overpayment of 2001 taxes.  
(PID #F607-999-0870-6600)
- F. Homecomings Financial Network, in the amount of \$5,647.33; overpayment of 2001 taxes.  
(PID #M344-999-0260-1300)
- G. Countrywide Tax Services Corporation, in the amount of \$3,449.14; overpayment of 2001 taxes.  
(PID #V927-999-0030-3000)
- H. Sierra Title Company, in the amount of \$2,323.83; overpayment of 2001 taxes.  
(PID #W145-999-0780-0600)
- I. CLK New-Star RE, LP in the amount of \$1,239.63; overpayment of 2001 taxes.  
(PID #Y805-999-0450-3101)
- J. Lear Corporation, in the amount of \$279,425.94; overpayment of 2001 taxes.  
(PID #V892-999-0010-0150)
- K. Lear Corporation, in the amount of \$95,724.10; overpayment of 2001 taxes.  
(PID #V893-999-5400-0400)

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-102 25 Yard Roll Off Truck

Award to: Border International Trucks  
El Paso, Texas

Item(s): 1 with Options O5 and O8

Amount: \$95,799.00

Department: Street

Funds available: 508029-04250203-27251

Funding source: FY2002 Certificates of Obligation

Total award: \$95,799.00

The Equipment Maintenance, Street, and Purchasing Departments recommend award as indicated as this vendor has provided the Best Value Bid.

This is a fixed-price, single (one-time) purchase, to purchase one (1) 25 Yard Roll Off Truck. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) days from the date of award of the contract. No prompt payment discount is offered.

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\*Motion made, seconded and unanimously carried to award Bid No. 2002-126 Gym Equipment

Award to: The Fitness Superstore  
El Paso, Texas

Item(s): Items 1 through 5; Item 6, Option #1; Item 7, Option  
#2 and Items 8 through 19

Amount: \$52,875.50

\$ 3,750.00 Less Trade-In Amount

\$49,125.50

Department: Police  
 Funds available: 21150060-16411-P500232-508007  
 Funding source: State Confiscated Funds  
 Total award: \$52,875.50

The Police and Purchasing Departments recommend award as indicated. This vendor has provided the Best Value Bid. The total award amount includes a credit to the City for a trade-in allowance of \$3,750.00 from the vendor for the Department's used gym equipment.

This is a fixed-price, single (one-time) purchase, to purchase Gym Equipment. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) days from the date of award of the contract. No prompt payment discount is offered.

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 \*Motion made, seconded and unanimously carried to award Bid No. 2002-139 Alta Vista & Veterans Park Ballfield Lighting Improvements

Contractor: Kendrick Electric Corporation  
 El Paso, Texas

Department: Parks & Recreation  
 Funds Available: 31130550-PPW0046040YR2-60043-508027  
 31130550-PPW0046041YR2-60044-508027  
 Funding Source: 2000 Quality of Life Bond Issue  
 Item(s): Base Bid I \$ 84,547.00  
 Base Bid II \$ 91,557.00  
 Alternate #5 \$ 86,252.00  
 Total Award: \$262,356.00

The Departments of Parks & Recreation, Engineering and Purchasing recommend the award of this contract to Kendrick Electric Corporation, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

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 \*Motion made, seconded and unanimously carried to approve budget transfer BT2002-588 OMB  
 Recognizing unallocated funds to establish appropriations to close out Doniphan and CBD projects and to fund other street projects.

Increase	\$2,676,640	to	31115002/P50103926016/407002	Est Rev
Increase	\$2,676,640	to	31115002/P50103926016/508027	Construction

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-612 LIBRARY  
The Library requests a budget transfer within the Library's restricted fund. This transfer will allow the Library to pay expenses incurred in association with the CDBG "Hangout at the Library" Program grant received.

Increase	\$2,050	to	53153053/15454/405065	MiscNOpRev
Increase	\$ 500	to	53153053/15454/502200	Per Svc Cont
Increase	\$ 400	to	53153053/15454/502209	PrintSvcCont
Increase	\$ 500	to	53153053/15454/503101	MinOfEq&Sup
Increase	\$ 650	to	53153053/15454/503115	Food & Bev

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-627 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication Fees & appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication Fees are paid by developers based upon City Ordinance.

Increase	\$ 1,410	to	51159242/P51800005316027/405060	Donations
Increase	\$ 1,410	to	51159242/P51800005316027/508004	Pub Use Fac
Increase	\$25,500	to	51159242/P51800015416128/405060	Donations
Increase	\$25,500	to	51159242/P51800015416128/508004	Pub Use Fac
Increase	\$ 600	to	51159242/P51800080516144/405060	Donations
Increase	\$ 600	to	51159242/P51800080516144/508004	Pub Use Fac

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-628 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication Fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 657.00	to	51159242/P51800005316027/405060	Donations
Increase	\$ 657.00	to	51159242/P51800005316027/508004	Pub Use Fac
Increase	\$10,704.00	to	51159242/P51800000016022/405060	Donations
Increase	\$10,704.00	to	51159242/P51800000016022/508004	Pub Use Fac
Increase	\$ 1,096.50	to	51159242/P51800081216151/405060	Donations
Increase	\$ 1,096.50	to	51159242/P51800081216151/508004	Pub Use Fac

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2002-629 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication Fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenues. Parkland Dedication Fees are paid by developers based upon City Ordinance.

Increase	\$ 900.00	to	51159242/P51800015316127/405060	Donations
Increase	\$ 900.00	to	51159242/P51800015316127/508004	Pub Use Fac
Increase	\$18,660.90	to	51159242/P51800011316087/405060	Donations
Increase	\$18,660.90	to	51159242/P51800011316087/508004	Pub Use Fac
Increase	\$ 3,300.00	to	51159242/P51800014316117/405060	Donations
Increase	\$ 3,300.00	to	51159242/P51800014316117/508004	Pub Use Fac

\*Motion made, seconded and unanimously carried to approve the request of Ascarate Elementary School to hold a Color Day Parade on May 29, 2002 from 9:30 a.m. to 10:30 a.m. Route: Start from back of schoolyard to George Orr, right on Red Robin, right on Sparrow, left on George Orr and return to school. Approximately 600 persons and 5 vehicles will take part and 250 spectators are anticipated. PERMIT NO. 02-054

.....  
\*Motion made, seconded and carried to postpone two (2) weeks an Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause. Representative Sariñana and Representative Cobos voted Nay.

.....  
\* Motion made, seconded and carried to postpone two (2) weeks an Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause. Representative Sariñana and Representative Cobos voted Nay.

.....  
ORDINANCE 15086

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 16 AND THE NORTH 4 FEET OF LOT 17, BLOCK 273, CAMPBELL ADDITION, EL PASO, EL PASO COUNTY, TEXAS (1012 NORTH CAMPBELL) FROM A-2 (APARTMENT) TO S-D (SPECIAL DEVELOPMENT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Cobos and seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, and Cobos  
NAYS: None Absent: None

Representative Medina and Representative Sariñana were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15087

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF PUBLIC AFFAIRS COORDINATOR**

Representative Sumrall expressed her concern on how often persons in this position change jobs, and suggested that this position be filled through contract instead Civil Service Commission.

Ms. Terry Bond, Director of Personnel, replied that this would revise the classification. She stated this classification would be broadened so as to include other departments.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the issue is that the City Of El Paso already has one existing position and what this is doing is to make it general. He stated that there has been a staffing table change for the creation of this position.

Chief Carlos Leon, Police Department, was present to comment.

Mayor Caballero suggested that this ordinance be approved today and then it could be considered for a contract position, subject to approval by the Civil Service Commission.

Motion duly made by Representative Sumrall and seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15088

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING RICHARD CAMPBELL TO USE A PORTION OF PAUL HARVEY PARK FROM 4:00 PM UNTIL 8:00 PM ON MAY 18, 2002**

Motion duly made by Representative Sumrall and seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15089

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING DIAL AMERICA TO USE A PORTION OF EASTWOOD ALBUM PARK FORM 12:00 PM UNTIL 6:00 PM ON MAY 19, 2002**

Motion duly made by Representative Power and seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15090

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON CENTRAL AVENUE FROM RAYNOR STREET TO A POINT 200 FEET EAST THEREOF, NORTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Mr. Ted Marquez, Traffic Engineering, explained that this is an item that was brought up to Council about two weeks ago, requesting that no parking be permitted at this location, and his office proceeded to look into it and worked with City Attorney's Office to draft the ordinance.

Motion duly made by Representative Cobos and seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15091

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON FESTIVAL DRIVE FROM STANTON STREET TO A POINT 2,338 FEET WEST THEREOF, SOUTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall made comments and Mr. Ted Marquez, Traffic Engineering, explained further.

Motion duly made by Representative Sumrall and seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: None

Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15092

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO ADD A NEW LOCATION ON SOUTHWESTERN DRIVE FROM INCA STREET TO A POINT 500 FEET SOUTH OF REDD ROAD, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Sumrall and seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos  
NAYS: None Absent: None

Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15093

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO SIX FLAGS EVENTS TO TEMPORARILY CLOSE A PORTION OF BOONE STREET BETWEEN PAISANO DRIVE AND DELTA DRIVE FROM MAY 20, 2002 THROUGH MAY 28, 2002.**

Mr. Ray Cox, Parks Department, corrected the fee in the license agreement from \$605.00 to \$495.00.

Motion duly made by Representative Medina and seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos  
NAYS: None Absent: None

Council Member Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15094

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO REVISE THE CLASS OF HUMAN RESOURCES PAYROLL & RECORDS OFFICER.**



Motion duly made by Representative Sumrall and seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15095

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF SEWAGE COLLECTION MAINTENANCE SUPERVISOR.**

Motion duly made by Representative Sumrall and seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15096

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE NO. 8809, FOR THE PURPOSE OF ABOLISHING THE CITY OF EL PASO PROPERTY DAMAGE REVIEW BOARDS.**

Representative Sumrall questioned what the Property Damage Review Boards was all about because she has never heard of it.

Ms. Rita Rodriguez, City Attorney, stated this was created years ago but is being discontinued because all it did was create problems.

Motion duly made by Representative Sumrall and seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Council Member Medina was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 119 N. Pendell Rd., Apt. #22 & 25 in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 4806 Atlas Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: N 193 ft. of E ½ of 153, Sunrise Acres #2

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, The Estate of Leopoldo Mimbela, 10443 Triumph Drive, El Paso, Texas 79924, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on May 14, 2002; and

WHEREAS, Juan Mimbela appeared,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
- b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- c. The structure's certificate of occupancy is hereby revoked; and
- d. That the primary structure can be repaired. However, the accessory structure can not be repaired.

2. That the City Council hereby orders Owners to comply with the following requirements:

- a. That the primary Building be secured within (30) days; and
- b. The dilapidated accessory structure must be demolished; and
- c. The junk vehicles must be removed; and
- d. That the premises be cleaned of all weeds, trash and debris within (30) days; and
- e. That a public hearing be scheduled for July 2<sup>nd</sup>, 2002 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
- f. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
- g. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.

- h. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the primary Building and maintain the Building secure and demolish the accessory structures and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the primary Building secure and demolishing the accessory structures and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the securing the primary Building and demolishing the accessory structures and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later

than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. John Mimbela, the property owner's son, stated that currently the property has been cleaned up and now he is awaiting his mother's decision as to whether they are going to keep the house or demolish the property.

Motion made by Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to accept the Department's recommendation and approve the above resolution.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 7922 North Loop Drive in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 12<sup>th</sup>, 2002, Fernando Guijarro, 1801 E. Yandell, El Paso, Texas 79902, has been notified of the violations at this property.

.....  
\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 704 N. Campbell Street in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of March 18, 2002, Carmen Breach De Valenzuela, 7049 Westwind Drive #1313, El Paso, Texas 79912, and also P. O. Box 13045, El Paso, Texas 79913, has been notified of the violations at this property.

.....  
Motion made by Representative Rodriguez, seconded by Representative Power and carried to deny the appeal by Porfirio Salcedo at 2418 Dyer on the denial of a license for the sale of alcoholic beverages due to the business' proximity to a commercial daycare in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code. Representative Cook and Representative Cobos voted Nay. Representative Sumrall was not present for the vote.

Mr. Terry Williams, Deputy Director for Building Services, explained that the business did have a liquor license previously. He said the business was closed for more than one year, which caused the license to expire. He added that his staff contacted the day care and found out that their hours of operation are from 5:15 a.m. until midnight, and they did not voice any opposition. He said the denial of the license was due to the nightclub's location to the daycare.

Ms. Rosalva Herrera and Mr. Porfirio Salcedo were present and explained that the area is closed, it has a fence, it's being kept clean inside and out, the day care is to the left and it has an entrance in a different direction. Ms. Herrera said the nightclub opens at 6:00 p.m., but customers start to arrive approximately around 9:00 p.m. She stated they clean the place up every morning and have not received any complaints.

Commander Cliff Walsh, Police Department, commented that they do have a record of criminal occurrences in that neighborhood but there are no specific allegations regarding this property.

Representative Rodriguez stated she supported the recommendation of the Building Services department.

.....  
Motion made by Representative Cobos, seconded by Representative Medina and unanimously carried to approve the appeal for denial of license. (Cesar Carreon)

Commander Cliff Walsh, Police Department, explained that Mr. Carreon had omitted some information on the application.

Mr. Terry Williams, Deputy Director for Building Services, commented that the license was for a "second-hand" store and denial was due to an omission on the application that asked for prior convictions.

Representative Cook asked what the conviction was.

Mr. Cesar Carreon responded that it was a DWI and the reason why he omitted the information was because he did not believe he had to claim a DWI.

.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the appeal by Gerald Franklin at 3000 Saul Kleinfield on the denial of a license for the sale of alcoholic beverages due to the business's proximity to a school in accordance with Section 20.08.090(B)(1) and 20.08.090(B)(4) of the El Paso Municipal Code.

The City Clerk corrected the language from "proximity to a church" to "proximity to a school."

Mr. Terry Williams, Deputy Director for Building Services, explained this case.

Mr. John Birkelbach, representing Mr. Franklin, stated this business would be a Wal-Mart Neighborhood Market, a new business concept being developed by Wal-Mart.

Representative Sumrall asked whether there are any plans to do this all over the city.

Mr. Birkelbach responded affirmatively.

.....  
No action was taken on the discussion on allowing the Rotary Club of El Paso to make cash awards to special police and firefighters who have shown exemplary performance. (David DeMunbrum)

Mr. David DeMunbrum commented on his position and stated that they have been instructed that they cannot give more than \$50 cash awards based on the Ethics Ordinance.

Mr. Charlie McNabb, Chief Administrative Officer, recommended that awards should be done directly and not through the City. He proceeded to comment that he will instruct the City Attorney's Office to give a legal opinion.

Representative Medina said he thinks this is a great idea coming from a great organization and suggested that a "really nice" award would be a big plaque that would be carried on through generations. Other comments and suggestions were forthcoming.

.....  
Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to accept the report from the Ethics Review Commission: Discussion and action relating to the Commission's annual report on file in the Office of the City Clerk on the following specific items: A summary of activities and accomplishments of the Commission during 2001; Planned activities by the Commission to address ethical issues and increase awareness of ethics; and a presentation of the Commission's specific recommendations for amendments to the ethics ordinance.

Mr. Alfonso Flores, Chairman of the Ethics Review Commission, was present to comment and answer questions. He proceeded to explain that the Commission is working feverishly to provide Council with the revised ethics ordinance for review. He commented that they have been working on it for the past year and a half.

Ms. Marguerite Davis, Vice-Chairman of the Commission, commented that the Commission is developing a standard presentation to give everyone an essence of what the ordinance is about.

Mayor Caballero thanked them for their work on this Commission.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to move to Executive Session the discussion and action on either/or fraudulent and wrongful taking of the value of the properties at 510 and 523 W. Missouri and improvements thereof; for fraud in the reconstruction and relocation project affecting the properties; for breach of fiduciary duties and deprivation of substantive due process and equal protection of the laws and regulations governing said project; for harassment and infliction of emotional distress including wrongfully calling in the loans on the properties and concealment of the records and accounting relating to the restoration and relocation project; for damages to business and personal credit worthiness resulting in lost business opportunities, all resulting in damages of up to \$2,000,000.00. Regardless of assertions of City Attorney the statute of limitations is not a complete or valid defense in this case. (Jamie Barron, Ph.D.)

Motion made by Representative Cook, seconded by Representative Sumrall and carried to move to Executive Session the discussion on reconsidering council's decision to award bid for RFP 2002-018R regarding the Finger Printing and Photographic Identification Software System for the El Paso Police Department.

Motion made, seconded and unanimously carried to delete and refer the request to remove David Marcus from the Districting Commission to the Ethics Commission. (Representative Sumrall)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting Issaias Morones to use a portion of Vista Del Sol Park from 4:00 PM until 11:00 PM on June 8, 2002 for a birthday party. Fee: \$185.00
- B. An Ordinance creating the Greater El Paso Civic, Convention and Tourism Advisory Board.
- C. An Ordinance relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing penalties for violations, establishing fees and resolution procedures and related issues.

**PUBLIC HEARING WILL BE HELD ON MAY 28, 2002 FOR ITEMS A - C**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve budget transfer BT2002-617 PUBLIC WORKS/OMB

Discussion and action to approve Budget Transfer BT2002-617 Public Works/OMB to realign FY 93 CO Funds for necessary projects and utilization of older bond issues as per covenants; presentation regarding proposed City Hall remodeling; and walk-through by Council of remodeling work on the second floor of City Hall.

Increase	\$1,736,523.25	to	31118111/P50125127021/507001	Intrafd Trf
Increase	\$ 38,050.39	to	31118111/P50125227022/507001	Intrafd Trf
Increase	\$ 304,395.22	to	31118111/P50125327023/507001	Intrafd Trf
Increase	\$ 19,502.20	to	31118111/P50126727025/507001	Intrafd Trf
Increase	\$ 10,051.58	to	31118111/P50127727026/507001	Intrafd Trf

Increase	\$ 44,363.23	to	31118111/P50127927027/507001	Intrafd Trf
Increase	\$1,402,885.87	to	31118111/P50200327035/407001	Intrafd Trf In
Increase	\$1,402,885.87	to	31118111/P50200327035/508027	Construction
Increase	\$ 500,000.00	to	31118111/P50200127033/407001	Intrafd Trf In
Increase	\$ 500,000.00	to	31118111/P50200127033/508027	Construction
Increase	\$ 250,000.00	to	31118111/P50200227034/407001	Intrafd Trf In
Increase	\$ 250,000.00	to	31118111/P50200227034/508027	Construction

Mr. Charlie McNabb, Chief Administrative Officer, explained this item and stated the City has identified old COs where the money can be spent on City Hall renovations.

Mr. Ed Drusina, Director of Public Works, was present to give a presentation and answer questions. He gave the example of the changes on the sixth floor, Parks and Recreation Department. He also gave the example of the Building Services Department where they have the "one stop" areas and open desks. He said the Purchasing, OMB, and Comptrollers Departments have good space distribution and modern technology. He went on to say the Traffic Management Center is a state-of-the-art site that monitors traffic in the City Of El Paso. He said the Planning Department has just been completed and is in the process of moving from the 8<sup>th</sup> floor to the 2<sup>nd</sup> floor. He then took the Council on a tour of the Department.

Representative Cook asked for an explanation of the very first six items.

Mr. William Chapman, Chief Financial Officer, explained that those are COs funds that were left over from 1993.

Representative Cobos made favorable comments and asked questions to which Mr. Chapman responded. He said we are taking those funds out and moving them up into needed areas in order to set them up to award them for construction projects or to use them for other projects.

#### **ADDITION TO THE AGENDA**

\*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor, on behalf of the City, accept the donation by the El Paso Electric Company of \$1,000.00 to be deposited in the discretionary funds for City Council District Number Five and to be utilized by the City for lighting around Dick Shinaut Park located in District 5.

#### **\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be permitted to apply to the Rockefeller Foundation Partnerships Affirming Community Transformation (PACT) Program for a \$50,000 grant to fund the second phase of the Spaghetti Bowl Mural Project, and that the Mayor be authorized to sign any required contracts and related documents accepting a grant for such amount or for any lesser amount approved by the Rockefeller Foundation.

\*Motion made, seconded and unanimously carried to delete the Resolution that the El Paso Museum of Art be authorized to pay overtime for staff working at the Downtown Friday Concerts at the Arts Festival Plaza from May 17 to August 30, 2002.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Audrey A. Flores, Swim Instructor I, Step 1  
DATES: April 27, 2002, thru September 30, 2002  
RATES PER HR: \$5.35  
CONTRACT NO: 2001/2002-256
2. CONTRACTOR: Teresa B. Lugo, Lifeguard, Step 3  
DATES: April 24, 2002, thru September 30, 2002  
RATES PER HR: \$6.20  
CONTRACT NO: 2001/2002-257
3. CONTRACTOR: Iantha A. Martinez, Lifeguard, Step 2  
DATES: April 26, 2002, thru September 30, 2002  
RATES PER HR: \$6.00  
CONTRACT NO: 2001/2002-258
4. CONTRACTOR: Daniel Torres, Pool Attendant, Step 1  
DATES: April 26, 2002, thru September 30, 2002  
RATES PER HR: \$5.40  
CONTRACT NO: 2001/2002-259
5. CONTRACTOR: Albert Zamarripa, Lifeguard, Step 2  
DATES: April 26, 2002, thru September 30, 2002  
RATES PER HR: \$6.00  
CONTRACT NO: 2001/2002-260

**NORTHEAST RECREATION CENTER**

**DEPARTMENT ID: 51510107, ACCOUNT 501011**

6. CONTRACTOR: Floyd Williams, Events Coordinator  
DATES: May 25, 2002, thru September 30, 2002  
RATES PER HR: \$7.00  
CONTRACT NO: 2001/2002-261
  7. CONTRACTOR: Jennifer Albertson, Daycare Instructor Aide, Step 4  
DATES: June 1, 2002, thru September 30, 2002  
RATES PER HR: \$6.10  
CONTRACT NO: 2001/2002-262
- .....



\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**PAVO REAL RECREATION CENTER**

**DEPARTMENT ID: 51510115, ACCOUNT 502214**

1.     CONTRACTOR:     Evelia Gonzalez, Karate Instructor  
       DATES:           May 13, 2002, thru August 31, 2002  
       RATE PER CL:    \$10.00  
       MAXIMUM AMT:    \$510.00  
       CONTRACT:       2001/2002-163

**SPORTS PROGRAMMING**

**DEPARTMENT ID: 51010215, ACCOUNT 502215**

2.     CONTRACTOR:     Hector Garcia, Scorekeeper various Sports Leagues  
       DATES:           May 14, 2002, thru August 31, 2002  
       RATE PER GM:    \$9.00  
       MAXIMUM AMT:    \$1,035.00  
       CONTRACT:       2001/2002-164

.....  
\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**SPORTS PROGRAMMING**

**DEPARTMENT ID: 51010215, ACCOUNT 502215**

1.     CONTRACTOR:     El Paso Umpires Association, Youth Baseball 10 & Under  
       DATES:           May 14, 2002, thru August 1, 2002  
       RATE PER GM:    \$36.00  
       MAXIMUM AMT:    \$4,680.00  
       CONTRACT:       2001/2002-165
2.     CONTRACTOR:     El Paso Umpires Association, Youth Baseball 12 & Under  
       DATES:           May 14, 2002, thru August 1, 2002  
       RATE PER GM:    \$38.00  
       MAXIMUM AMT:    \$4,940.00  
       CONTRACT:       2001/2002-166

3. CONTRACTOR: El Paso Umpires Association, Youth Baseball 14 & Under  
 DATES: May 14, 2002, thru August 1, 2002  
 RATE PER GM: \$40.00  
 MAXIMUM AMT: \$5,200.00  
 CONTRACT: 2001/2002-167
4. CONTRACTOR: El Paso Umpires Association, Youth Basketball (youth/teen)  
 DATES: May 14, 2002, thru August 1, 2002  
 RATE PER GM: \$39.00  
 MAXIMUM AMT: \$2,340.00  
 CONTRACT: 2001/2002-168

\*Motion made, seconded and unanimously carried to appoint David A. Palmer to the Ethics Review Commission requested by Representative Power.

No action was taken regarding a hearing to inform City Council of emergency action taken by Building Services to vacate and secure the property at 2100 Myrtle Avenue. The owner of record as of May 9<sup>th</sup>, 2002, Telles Group Incorporated, 2120 Myrtle Avenue, El Paso, Texas, has been notified of the violations at this property.

Mr. Tom Maguire, Building Services, stated that there was a medical emergency on the second floor of this property. The EMS personnel noticed the danger of the property and contacted Mr. Bill Stern, Building Services. Mr. Maguire advised that the floor has been vacated and the families have been relocated to another one of their properties.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to move to Executive Session the discussion on termination of contract between the City and Printrak International Incorporated (RFP 2002-018R).

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Rafael Navarette, 02-A-002 (551.071)
- B. Mosher Enterprises, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2001-005, Our File No. 01-S-49 and DH Underground, Inc. s. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2000-4295, Our File No. 01-S-50 (551.071)
- C. Discussion and action on EEOC 361-99-1087, Smith v. The City of El Paso
- D. Class Action Lawsuit referenced The County of Orange, et al., vs. National Gypsum Company, et al., No. D-890803C (551.071)

- E. Discussion and action on either/or fraudulent and wrongful taking of the value of the properties at 510 and 523 W. Missouri and improvements thereof; for fraud in the reconstruction and relocation project affecting the properties; for breach of fiduciary duties and deprivation of substantive due process and equal protection of the laws and regulations governing said project; for harassment and infliction of emotional distress including wrongfully calling in the loans on the properties and concealment of the records and accounting relating to the restoration and relocation project; for damages to business and personal credit worthiness resulting in lost business opportunities, all resulting in damages of up to \$2,000,000.00. Regardless of assertions of City Attorney the statute of limitations is not a complete or valid defense in this case. (Jamie Barron, Ph.D.)
- F. Discussion and action on reconsidering council's decision to award bid for RFP 2002-018R regarding the Finger Printing and Photographic Identification Software System for the El Paso Police Department.
- G. Discussion and action on termination of contract between the City and Printrak International Incorporated (RFP 2002-018R).

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows: Mayor Raymond C. Caballero and Representative Rodriguez were not present for Executive Session items.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City settle its subrogation interest in the claim of **RAFAEL NAVARETTE; Our File No. 02-A-002** as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO REJECT SETTLEMENT OFFER** in the lawsuit entitled **Mosher Enterprises, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2001-005, Our File No. 01-S-49** and in the lawsuit entitled **DH Underground, Inc. vs. Far West Insurance Company and the City of El Paso, Texas, Cause No. 2000-4295, Our File No. 01-S-50**, as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Cook and carried, that the City declines to enter into the Conciliation Agreement as proposed by the Equal Employment Opportunity Commission on behalf of **MARCUS SMITH EEOC #361-99-1087**, as recommended by the City Attorney.

Motion made by Representative Medina, seconded by Representative Cook and carried that the **CITY OF EL PASO REMAIN IN THE SETTLEMENT AND NOT OPT OUT IN THE CLASS ACTION LAWSUIT ENTITLED The County of Orange, et al., vs. National Gypsum Company, U.S. Mineral Products Company, et al., No. D-890803C**; as recommended by the City Attorney.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to delete the discussion and action on either/or fraudulent and wrongful taking of the value of the properties at 510 and 523 W. Missouri and improvements thereof; for fraud in the reconstruction and relocation project affecting the properties; for breach of fiduciary duties and deprivation of substantive due process and equal protection of the laws and regulations governing said project; for harassment and infliction of emotional distress including wrongfully calling in the loans on the properties and concealment of the records and accounting relating to the restoration and relocation project; for damages to business and personal credit worthiness resulting in lost business opportunities, all resulting in damages of up to \$2,000,000.00. Regardless of assertions of City Attorney the statute of limitations is not a complete or valid defense in this case. (Jamie Barron, Ph.D.)

Attorney Douglas Gelo Barnett was present on behalf of Dr. Barron. He asked that this be postponed since he was newly assigned to this case. It was suggested that this be deleted and Mr. Barnett could place this item on an agenda in his own format.

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Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to delete the discussion and action on reconsidering council's decision to award bid for RFP 2002-018R regarding the Finger Printing and Photographic Identification Software System for the El Paso Police Department. (Representative Cook)

Chief Carlos Leon, Police Department, explained that this award will be looking forward to the future years. He proceeded to explain that they would be running both systems concurrently and decide which one is better and it is fully guaranteed. He explained that the City of El Paso pays the County in the area of \$2 million in processing fees.

Representative Cobos questioned what system was used to track the fingerprints on the Alejandra case.

Chief Leon responded that they used the current system; however, there was a lot of manpower involved.

Representative Power stated that this is designed to fill a much needed void.

Chief Leon explained with the current system, MORPHO will have to build interfaces in order to integrate it for future needs.

Representative Cobos expressed his concern on the percentages on the accuracy on the new system as it has been tested in other cities. He also added that he understands that there were some disagreements on the selection of the new system.

Chief Leon responded that the disagreements were coming from people who are looking at specific items whereas he is looking at the whole picture for future needs.

Representative Cook asked if the bid process is fair and equitable.

Mr. Byron Johnson, Director of Purchasing, responded that the process was fair and equitable and that they included every interested party such as Police Department and Information Technology. He proceeded to explain that the current system does not have the life scan availability that the courts are so concerned with.

Mr. Charlie McNabb, Chief Administrative Officer, explained that this bid was awarded on April 16, 2002 and the City received a complaint from one of the parties whom it was not awarded to. He went on to say this was the proper way to place it on the agenda so that Council could discuss the item.

Representative Medina echoed Representative Cobos' concerns and said the accuracy percentages were unsatisfactory.

Mr. Johnson explained the RFP process and how this specific item was handled.

Mr. Gary Woodward, Senior Manager of Operations, SAGEM MORPHO, explained that their system is a state-of-the-art technology, and their estimation is that it still has up to 5 to 7 years of life before it needs to be upgraded. He explained that their current clients are TXDHS, State of Arizona, and that they supply the matching technology to the FBI through a Lockheed contract, NY State Police, Wisconsin State Police, and many others. He added that as far as accuracy is concerned, you will resolve less crimes because of the lower accuracy percentages.

Mr. Dave McNeff, Senior Vice-President Printrak, Motorola Company, explained that they have ample experience in the fingerprint field by providing services to many cities as well as the FBI. He stated the tests were run on a system in Albuquerque, which is an older version, and they have obviously made significant latest technology changes.

Mr. Frank Ainsa, Attorney for Printrak, explained that this was heard on April 16, 2002 and nothing was questioned. He added that there was no protest filed within 5 days, which is the procedure that the Purchasing Department has and, in the end, you are hearing a bid protest that was filed late.

Mr. McNabb explained the City was asked by the Council of Judges to make this upgrade.

Chief Leon stated if we delay this and go out to bid again, it will put us behind, and in the meantime, the Sheriff's Department will move forward and we will still be paying the processing fees.

Mr. Johnson explained that they recommended the highest rank proposer according to the criteria, the job of the Purchasing Department is to monitor the testing only. He said the contract is very specific and provides a warranty through a bond performance. He said the system meets the current need and future needs. If they do not perform, the contract can be terminated.

Mr. Woodward responded that the proposal did not include replacement of the AFIS system. He stated they were not allowed to test. Chief Leon said the test was in the fingerprint AFIS portion. He said the Sagem Morpho system was tested continuously, every day. He added it is a good system, but it is not just what the Police Department needs for where they want to go in the future.

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No action was taken regarding the discussion on termination of contract between the City and Printrak International Incorporated (RFP 2002-018R). This item was discussed with the above item regarding reconsidering council's decision to award bid for RFP 2002-018R regarding the Finger Printing and Photographic Identification Software System for the El Paso Police Department.  
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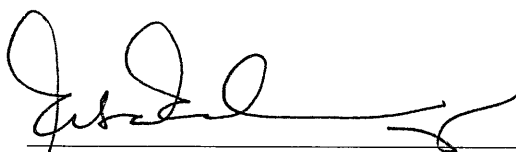
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 2:05 PM.  
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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Carole Hunter, City Clerk



Rita Rodriguez, City Attorney

